

F. C. CORNELL.

APRIL 24, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAZELTON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5921.]

The Committee on Invalid Pensions, to whom was referred the petition of F. C. Cornell, having had the same under consideration, beg leave to submit the following report:

It appears from an examination of the papers in the case presented to your committee that, in 1867, the petitioner was located at Virginia City, Mont., and was appointed post-surgeon of the "Montana Indian war," and in the discharge of his duty was severely injured by his saddle, which caused a large tumor to form in the left testicle and a hernia in the right side. In order to have a successful operation performed on the tumor, he was compelled to go to San Francisco, Cal. The tumor, and the removal of it, caused a paralysis of the side, producing a disease of the heart, which disabled the petitioner from attending his practice, which otherwise he could have done.

The petitioner, on the 25th February, 1876, addressed a communication to the Commissioner of Pensions regarding his claim to a pension, and in reply thereto received a letter from the Commissioner of Pensions March 6, 1879, as follows:

Your letter of the 25th ultimo, with inclosures herewith returned, has been received. In response thereto, I have the honor to state that, inasmuch as your services were rendered to the Territory of Montana, and not to the United States, you are pensionable only under the third paragraph of section 4693 Revised Statutes, which provides for members of the militia and others who rendered temporary service as volunteers in any engagement with rebels or Indians. But the same paragraph provides, also, that no claim for pension of any such person shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874.

There is also in evidence in the case the receipt from the "French Hospital" for \$75 for treatment there; also a letter from G. Bell, major and commissary subsistence United States Army, dated Washington, D. C., March 26, 1875, to the petitioner, inclosing a check for "\$630, in payment of Third Auditor's certificate No. 241, issued in your claim for services as surgeon rendered Montana Territory militia on account of Indian hostilities in 1867."

Your committee are of the opinion that, while the Pension Office was correct in the virtual rejection of this claim under the law, as found upon the statute-book, yet the petitioner is in justice and equity entitled to the relief prayed for, and that he should be placed upon the pension rolls, and not barred by the statute of limitations.

Your committee therefore report favorably upon the prayer of the petitioner, and recommend the passage of the bill (H. R. 5921) granting a pension to F. C. Cornell.